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17			
18	UNITED STATES I	DISTRICT COURT	
19	NORTHERN DISTRICT OF CALIFORNIA		
20	SAN FRANCISCO DIVISION		
21			
22	ANIBAL RODRIGUEZ, et al. individually and on behalf of all others similarly situated,	Case No. 3:20-CV-04688-RS	
23	Plaintiffs,	JOINT REPORT RE EVIDENTIARY DISPUTES FOR AUGUST 27, 2025	
24	·		
25	v. GOOGLE LLC,	Dept: 3, 17 th Fl. Judge: Hon. Richard Seeborg	
26	Defendant.	Date Action Filed: July 14, 2020 Trial Date: August 18, 2025	
27		3	
28			
20			

JOINT REPORT RE EVIDENTIARY DISPUTES FOR AUGUST 27, 2025 3:20-CV-04688-RS

1	Witness: Belinda Langner	
2	Exhibits	Plaintiffs' Objections
3	1. PX0419 2. PX0421	 PK, F, H, (financial stip) PK, F, H, (financial stip)
4	3. G0590 4. G0591	3. PK, F, H, (financial stip)
5	5. G0596	4. PK, F, H, (financial stip)5. PK, F, H
6	6. G0597 7. G0598	6. PK, F, H 7. PK, F, H
7	8. G0693	8. PK, F, H, Not Disclosed in Discovery
	Google's Position	Plaintiffs' Position There is no basis for Google to seek admission
8	Ms. Langner has the necessary knowledge to	of these financial documents through Ms.
9	lay a foundation for these documents reflecting App Promo financial information	Langner, who already admitted during her deposition that she did not prepare these
10	based on her role as Google's Director of Product Management responsible for App	documents and did not know the specifics of their preparation. For example, asked about
11	Campaigns for App Campaigns. Google will elicit testimony from her that lays the	PX-419 and G591, Ms. Langner testified that some "finance analysts" pulled these and that
12	foundation for these documents. If Plaintiffs feel that the foundation laid for any of these	she just assumed they came from "correct sources." Languer Depo. Tr. 228:23-
13	documents is insufficient at the time Google moves to admit them into evidence,	229:11. With G590, Ms. Langer said the "finance team pulled these numbers" and she
14	Plaintiffs will be able to object at the appropriate time.	had only seen them "in preparation for her deposition." <i>Id.</i> 229:21-230:21. As to G596
15	Ms. Langner can additionally testify to her	and G597, she again just "assum[ed] that one of our Google finance analysts" pulled
16	knowledge of these documents being business records that are created in the	them. <i>Id.</i> 234:18-235:2. The only reason she was even questioned about these documents was
17	regular course of business, so that they fall into an exception to the rule against hearsay.	because Google designated her as a 30(b)(6) witness. Her limited testimony about these
18	into an exception to the rule against hearsay.	documents was "based on [her] conversations

with the finance team" and she was unable to offer more testimony "without consulting with them." *Id.* at 270:15-16, 271:11-3. Rule 30(b)(6) does not permit designees to "offer testimony at trial that consists of hearsay not falling within one of the authorized exceptions." Tijerina v. Alaska Airlines, Inc., 2024 WL 270090, at *2 (S.D. Cal. Jan. 24, 2024) (quotation omitted). Rule 30(b)(6) also "does not eliminate Rule 602's personal knowledge requirement for trial witnesses." Id. at *3 (quotation omitted). Also, G0693 was only produced in June 2025, two months before trial and well after the close of discovery.

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Susan Harvey

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Pg:Line-Pg:Line	Plaintiffs'	Plaintiffs'	Google's Objection(s) to
	Objections(s)	Counter(s)	Counter(s)
13:02-13:05	FRE 106	81:18-82:23, 83:1-3,	81:18-82:23, 83:1-3,
	(Incomplete); FRE	83:6-84:3; 88:20-	83:6-84:3; 113:22-114:21;
	403	89:13, 90:9–91:3;	117:18–22; 156:20–157:4,
		101:25–102:5,	157:13–21
		102:10–14, 103:4–5,	
		103:10–13, 103:17–	
		18; 117:18–22,	
		188:2–24; 113:22–	
		114:21; 156:20–	
		157:4, 157:13–21;	
		237:21–23, 238:4–22,	
		239:20–240:10,	
		244:2-7	
Google's Position		Plaintiffs' Position	

Plaintiffs may only counter-designate portions of Ms. Harvey's testimony that in fairness must be considered as a completing statement under FRE 106. See Aug. 20, 2025 Trial Tr. 344:8-23. Yet Plaintiffs have counter-designated "blanket" designations not tied to any of Google's specific designations. The over-reaching of Plaintiffs' counterdesignations is exemplified by the fact that Google's designations total 5 minutes 32 seconds, and Plaintiffs' counter-designations are more than double that, totaling 11 minutes 56 seconds.

Google seeks to play snippets of Plaintiff Susan Harvey's deposition testimony without providing appropriate context for the jury. Plaintiffs should be permitted under FRE 106 and 403 to include these narrow and focused counter-designations. Plaintiffs' proposed counter-designations will prevent unfair prejudice and confusion by providing sufficient context for Ms. Harvey's testimony.

Google only objects to those purported counter-designations that are untethered to any portions Google has chosen to affirmatively designate. Google has chosen to designate Ms. Harvey's name, her testimony relating to an email she received from topclassactions.com, her testimony relating to whether she turned WAA off on July 29, 2020, the same day she met with her attorneys, and the harm Ms. Harvey claims to have suffered. Google does not object to including the counter-designations relating to these topics. However, Plaintiffs have also counter-designated Ms. Harvey's monologues about her allegations in this case, including her recitation of Google's Privacy Policy, all other Gmail accounts Ms. Harvey created and her reason for creating one of those Gmail accounts.

1	Plaintiffs also counter-designate the			
2	introduction of a deposition exhibit that Google did not designate any testimony			
3	for, and for which they do not counter- designate any testimony from Ms.			
4	Harvey. Instead, Plaintiffs counter- designate additional portions 30 pages			
5	later, leaving the false impression that			
6	Ms. Harvey's testimony at page 188 of the transcript relates to this exhibit.			
	Pg:Line-Pg:Line	Plaintiffs'	Plaintiffs'	Google's Objection(s) to
7	21.11.12	Objections(s)	Counter(s)	Counter(s)
8	21:11-13	FRE 106	81:18-82:23, 83:1-3,	
8		(Incomplete); FRE 403	83:6–84:3; 88:20– 89:13, 90:9–91:3;	
9		103	101:25–102:5,	
10			102:10–14, 103:4–5, 103:10–13, 103:17–	
11			18; 117:18–22,	
11			188:2–24; 113:22– 114:21; 156:20–	
12			157:4, 157:13–21;	
12			237:21–23, 238:4–22,	
13			239:20–240:10, 244:2–7	
14	Google's Position		Plaintiffs' Position	
	Same as above.		Google seeks to play snippets of Plaintiff Susan	
15			Harvey's deposition tes	stimony without providing
16			appropriate context for	the jury. Plaintiffs should be
10			narrow and focused cou	06 and 403 to include these
17			Plaintiffs' proposed cou	
10			prevent unfair prejudice	e and confusion by
18			providing sufficient con	ntext for Ms. Harvey's
19	99:20 - 100:16;	FRE 106	testimony.	
-	100:19 - 101:01;	(Incomplete); FRE	81:18-82:23, 83:1-3, 83:6-84:3; 88:20-	
20	101:04 - 101:05;	403	89:13, 90:9–91:3;	
21	101:11 - 101:14		101:25–102:5,	
21			102:10–14, 103:4–5,	
22			103:10–13, 103:17– 18; 117:18–22,	
22			188:2–24; 113:22–	
23			114:21; 156:20–	
24			157:4, 157:13–21;	
			237:21–23, 238:4–22, 239:20–240:10,	
25			244:2–7	
26	Google's Position		Plaintiffs' Position	
20	Same as above.			nippets of Plaintiff Susan
27				stimony without providing the jury. Plaintiffs should be
20				06 and 403 to include these
28			narrow and focused cou	
ь II				

		Plaintiffs' proposed con prevent unfair prejudice providing sufficient con testimony.	e and confusion by
Pg:Line-Pg:Line	Plaintiffs'	Plaintiffs'	Google's Objection(s) to
114:22 - 114:25	Objections(s) FRE 106	Counter(s) 81:18-82:23, 83:1-3,	Counter(s)
114.22 - 114.23	(Incomplete); FRE 403	83:6–84:3; 88:20– 89:13, 90:9–91:3;	
		101:25–102:5,	
		102:10–14, 103:4–5, 103:10–13, 103:17–	
		18; 117:18–22,	
		188:2–24; 113:22– 114:21; 156:20–	
		157:4, 157:13–21;	
		237:21–23, 238:4–22,	
		239:20–240:10, 244:2–7	
Google's Position		Plaintiffs' Position	
Same as above.			nippets of Plaintiff Susan
		Harvey's deposition tes	stimony without providing
			the jury. Plaintiffs should be
		narrow and focused cou	06 and 403 to include these unter-designations.
		Plaintiffs' proposed con	
		prevent unfair prejudic	
		providing sufficient contestimony	ntext for Ms. Harvey's
Pg:Line-Pg:Line	Plaintiffs'	providing sufficient contestimony. Plaintiffs'	ntext for Ms. Harvey's Google's Objection(s) to
	Objections(s)	testimony. Plaintiffs' Counter(s)	•
Pg:Line-Pg:Line 188:25 - 189:22	Objections(s) FRE 106	testimony. Plaintiffs' Counter(s) 81:18–82:23, 83:1–3,	Google's Objection(s) to
	Objections(s) FRE 106 (Incomplete); FRE	testimony. Plaintiffs' Counter(s) 81:18-82:23, 83:1-3, 83:6-84:3; 88:20-	Google's Objection(s) to
	Objections(s) FRE 106	testimony. Plaintiffs' Counter(s) 81:18–82:23, 83:1–3,	Google's Objection(s) to
	Objections(s) FRE 106 (Incomplete); FRE	testimony. Plaintiffs' Counter(s) 81:18-82:23, 83:1-3, 83:6-84:3; 88:20- 89:13, 90:9-91:3; 101:25-102:5, 102:10-14, 103:4-5,	Google's Objection(s) to
	Objections(s) FRE 106 (Incomplete); FRE	testimony. Plaintiffs' Counter(s) 81:18-82:23, 83:1-3, 83:6-84:3; 88:20- 89:13, 90:9-91:3; 101:25-102:5, 102:10-14, 103:4-5, 103:10-13, 103:17-	Google's Objection(s) to
	Objections(s) FRE 106 (Incomplete); FRE	testimony. Plaintiffs' Counter(s) 81:18-82:23, 83:1-3, 83:6-84:3; 88:20- 89:13, 90:9-91:3; 101:25-102:5, 102:10-14, 103:4-5, 103:10-13, 103:17- 18; 117:18-22,	Google's Objection(s) to
	Objections(s) FRE 106 (Incomplete); FRE	testimony. Plaintiffs' Counter(s) 81:18-82:23, 83:1-3, 83:6-84:3; 88:20- 89:13, 90:9-91:3; 101:25-102:5, 102:10-14, 103:4-5, 103:10-13, 103:17- 18; 117:18-22, 188:2-24; 113:22- 114:21; 156:20-	Google's Objection(s) to
	Objections(s) FRE 106 (Incomplete); FRE	testimony. Plaintiffs' Counter(s) 81:18-82:23, 83:1-3, 83:6-84:3; 88:20- 89:13, 90:9-91:3; 101:25-102:5, 102:10-14, 103:4-5, 103:10-13, 103:17- 18; 117:18-22, 188:2-24; 113:22- 114:21; 156:20- 157:4, 157:13-21;	Google's Objection(s) to
	Objections(s) FRE 106 (Incomplete); FRE	testimony. Plaintiffs' Counter(s) 81:18-82:23, 83:1-3, 83:6-84:3; 88:20- 89:13, 90:9-91:3; 101:25-102:5, 102:10-14, 103:4-5, 103:10-13, 103:17- 18; 117:18-22, 188:2-24; 113:22- 114:21; 156:20- 157:4, 157:13-21; 237:21-23, 238:4-22,	Google's Objection(s) to
	Objections(s) FRE 106 (Incomplete); FRE	Testimony. Plaintiffs' Counter(s) 81:18-82:23, 83:1-3, 83:6-84:3; 88:20-89:13, 90:9-91:3; 101:25-102:5, 102:10-14, 103:4-5, 103:10-13, 103:17-18; 117:18-22, 188:2-24; 113:22-114:21; 156:20-157:4, 157:13-21; 237:21-23, 238:4-22, 239:20-240:10,	Google's Objection(s) to
	Objections(s) FRE 106 (Incomplete); FRE	testimony. Plaintiffs' Counter(s) 81:18-82:23, 83:1-3, 83:6-84:3; 88:20- 89:13, 90:9-91:3; 101:25-102:5, 102:10-14, 103:4-5, 103:10-13, 103:17- 18; 117:18-22, 188:2-24; 113:22- 114:21; 156:20- 157:4, 157:13-21; 237:21-23, 238:4-22,	Google's Objection(s) to
188:25 - 189:22	Objections(s) FRE 106 (Incomplete); FRE	Testimony. Plaintiffs' Counter(s) 81:18-82:23, 83:1-3, 83:6-84:3; 88:20- 89:13, 90:9-91:3; 101:25-102:5, 102:10-14, 103:4-5, 103:10-13, 103:17- 18; 117:18-22, 188:2-24; 113:22- 114:21; 156:20- 157:4, 157:13-21; 237:21-23, 238:4-22, 239:20-240:10, 244:2-7 Plaintiffs' Position Google seeks to play si	Google's Objection(s) to Counter(s)
188:25 - 189:22 Google's Position	Objections(s) FRE 106 (Incomplete); FRE	Testimony. Plaintiffs' Counter(s) 81:18-82:23, 83:1-3, 83:6-84:3; 88:20- 89:13, 90:9-91:3; 101:25-102:5, 102:10-14, 103:4-5, 103:10-13, 103:17- 18; 117:18-22, 188:2-24; 113:22- 114:21; 156:20- 157:4, 157:13-21; 237:21-23, 238:4-22, 239:20-240:10, 244:2-7 Plaintiffs' Position Google seeks to play sr Harvey's deposition test	Google's Objection(s) to Counter(s) nippets of Plaintiff Susan stimony without providing
188:25 - 189:22 Google's Position	Objections(s) FRE 106 (Incomplete); FRE	Plaintiffs' Counter(s) 81:18-82:23, 83:1-3, 83:6-84:3; 88:20- 89:13, 90:9-91:3; 101:25-102:5, 102:10-14, 103:4-5, 103:10-13, 103:17- 18; 117:18-22, 188:2-24; 113:22- 114:21; 156:20- 157:4, 157:13-21; 237:21-23, 238:4-22, 239:20-240:10, 244:2-7 Plaintiffs' Position Google seeks to play sr Harvey's deposition test appropriate context for	Google's Objection(s) to Counter(s) nippets of Plaintiff Susan stimony without providing the jury. Plaintiffs should be
188:25 - 189:22 Google's Position	Objections(s) FRE 106 (Incomplete); FRE	Plaintiffs' Counter(s) 81:18-82:23, 83:1-3, 83:6-84:3; 88:20- 89:13, 90:9-91:3; 101:25-102:5, 102:10-14, 103:4-5, 103:10-13, 103:17- 18; 117:18-22, 188:2-24; 113:22- 114:21; 156:20- 157:4, 157:13-21; 237:21-23, 238:4-22, 239:20-240:10, 244:2-7 Plaintiffs' Position Google seeks to play sr Harvey's deposition test appropriate context for	Google's Objection(s) to Counter(s) nippets of Plaintiff Susan stimony without providing the jury. Plaintiffs should be 06 and 403 to include these
188:25 - 189:22 Google's Position	Objections(s) FRE 106 (Incomplete); FRE	Plaintiffs' Counter(s) 81:18-82:23, 83:1-3, 83:6-84:3; 88:20- 89:13, 90:9-91:3; 101:25-102:5, 102:10-14, 103:4-5, 103:10-13, 103:17- 18; 117:18-22, 188:2-24; 113:22- 114:21; 156:20- 157:4, 157:13-21; 237:21-23, 238:4-22, 239:20-240:10, 244:2-7 Plaintiffs' Position Google seeks to play sr Harvey's deposition test appropriate context for permitted under FRE 1 narrow and focused con Plaintiffs' proposed con Plaintiffs	rippets of Plaintiff Susan stimony without providing the jury. Plaintiffs should be 06 and 403 to include these unter-designations.
188:25 - 189:22 Google's Position	Objections(s) FRE 106 (Incomplete); FRE	Testimony. Plaintiffs' Counter(s) 81:18–82:23, 83:1–3, 83:6–84:3; 88:20–89:13, 90:9–91:3; 101:25–102:5, 102:10–14, 103:4–5, 103:10–13, 103:17–18; 117:18–22, 188:2–24; 113:22–114:21; 156:20–157:4, 157:13–21; 237:21–23, 238:4–22, 239:20–240:10, 244:2–7 Plaintiffs' Position Google seeks to play sr Harvey's deposition test appropriate context for permitted under FRE 1 narrow and focused context or permitted under FRE 1 narrow and focused context for pe	Google's Objection(s) to Counter(s) nippets of Plaintiff Susan stimony without providing the jury. Plaintiffs should be 06 and 403 to include these unter-designations. unter-designations will e and confusion by

1	Pg:Line-Pg:Line	Plaintiffs' Objections(s)	Plaintiffs' Counter(s)	Google's Objection(s) to Counter(s)
2	191:16 - 192:03	FRE 106	81:18-82:23, 83:1-3,	FRE 611 (Beyond Scope of
_		(Incomplete); FRE	83:6-84:3; 88:20-	Affirmative Designation);
3		403	89:13, 90:9–91:3; 101:25–102:5,	FRE 106 (Does not support counter-designation)
4			101.23–102.3,	counter-designation)
_			103:10–13, 103:17–	n/a (FOR 191:24 - 192:03)
5			18; 117:18–22, 188:2–24; 113:22–	
6			114:21; 156:20–	
_			157:4, 157:13–21;	
7			237:21–23, 238:4–22, 239:20–240:10,	
8			244:2-7	
	Google's Position		Plaintiffs' Position	
9	Same as above.			nippets of Plaintiff Susan stimony without providing
10				the jury. Plaintiffs should be
			permitted under FRE 10	06 and 403 to include these
11			narrow and focused cou Plaintiffs' proposed cou	
12			prevent unfair prejudice	
12			providing sufficient con	
13	Pg:Line-Pg:Line	Plaintiffs'	testimony. Plaintiffs'	Google's Objection(s) to
14	1 g.Line-1 g.Line	Objections(s)	Counter(s)	Counter(s)
15	240:11 - 240:20	FRE 106	81:18-82:23, 83:1-3,	FRE 403 (Vague,
13		(Incomplete); FRE 403	83:6–84:3; 88:20– 89:13, 90:9–91:3;	Confusion, Waste of Time, Cumulative); FRE 602
16		403	101:25–102:5,	(Speculation, Lack of
17			102:10–14, 103:4–5,	Foundation/Personal
1 /			103:10–13, 103:17– 18; 117:18–22,	Knowledge); FRE 611 (Beyond Scope of
18			188:2–24; 113:22–	Affirmative Designation);
19			114:21; 156:20-	FRE 701 (Improper Legal
			157:4, 157:13–21; 237:21–23, 238:4–22,	Opinion/Conclusion); FRE 106 (Does not support
20			239:20–240:10, 244:2–7	counter-designation)
21			\(\alpha \frac{1}{4} \dots \dots \)	FRE 403 (Vague,
22				Confusion, Waste of Time,
				Cumulative); FRE 611 (Beyond Scope of
23				Affirmative Designation);
24				FRE 701 (Improper Legal
				Opinion/Conclusion); FRE 106 (Does not support
25				counter-designation)
26	Google's Position		Plaintiffs' Position	sinnata of Dlaintiff Corner
	Same as above.		Harvey's deposition tes	nippets of Plaintiff Susan stimony without providing
27			appropriate context for	the jury. Plaintiffs should be
28			permitted under FRE 10 narrow and focused cou	06 and 403 to include these unter-designations.

1			Plaintiffs' proposed couprevent unfair prejudice	
2			providing sufficient contestimony.	
3	Pg:Line-Pg:Line	Plaintiffs' Objections(s)	Plaintiffs' Counter(s)	Google's Objection(s) to Counter(s)
4	242:10 - 243:07	FRE 106	81:18-82:23, 83:1-3,	Counter(s)
5		(Incomplete); FRE 403	83:6–84:3; 88:20– 89:13, 90:9–91:3;	
		403	101:25–102:5,	
6			102:10–14, 103:4–5, 103:10–13, 103:17–	
7			18; 117:18–22,	
8			188:2–24; 113:22–	
			114:21; 156:20– 157:4, 157:13–21;	
9			237:21–23, 238:4–22,	
10			239:20–240:10, 244:2–7	
	Google's Position		Plaintiffs' Position	
11	Same as above.		Harvey's deposition tes	hippets of Plaintiff Susan stimony without providing
			permitted under FRE 10	the jury. Plaintiffs should be 06 and 403 to include these
13			narrow and focused cou	
14			Plaintiffs' proposed couprevent unfair prejudice	
15			providing sufficient con	ntext for Ms. Harvey's
			testimony.	
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28 Cooley LLP

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SAN FRANCISCO

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1	Dated: August 26, 2025	
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• w		JOINT REPORT RE EVIDENTIARY DISPUTES